

Application No. 10/078,981
Amendment dated September 23, 2004
Reply to Office Action dated June 17, 2004

REMARKS

Claims 19-21 and 27-51 are pending in the current application. Claims 1-18 and 22-26 have been cancelled, claims 19-21 and 27-34 have been amended and new claims 35-51 have been added hereby.

The Examiner has rejected claims 19 and 27-34 under 35 U.S.C. § 102(b) as being anticipated by Ogletree (U.S. Patent No. 2,109,303). The Examiner has also rejected claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Ogletree '303.

The present application is directed towards a tool for cutting monofilament line while Ogletree '303 discloses a cutting implement "and more particularly . . . a cutter especially adapted for slitting beans and especially string beans." Ogletree '303, col. 1, lines 2-4. When rejecting the previously pending claims, the Examiner refused to consider the phrase "monofilament line" to be a positive limitation of claims 19-21 and 27-34.

Claims 19-21 and 27-34 include two independent claims, i.e., claims 19 and 28. Claims 19 and 28 have each been amended hereby to explicitly call for a combination that includes both a monofilament line and a monofilament line cutting tool. Claims 20, 21, 27 and 29-34 all depend, either directly or through an intervening dependent claim upon either claim 19 or 28 and, thus, also clearly call for a combination that includes both a monofilament line and a monofilament line cutting tool.

Ogletree '303 provides no teaching or suggestion that it may be used with a monofilament line. Nor has the Examiner set forth any alternative suggestion for combining Ogletree '303 with a monofilament line. Thus, claims 19-21 and 27-34 as amended hereby are patentably distinct over Ogletree '303 and the allowance of these claims is respectfully requested.

Claims 35-51 have been newly added by the present amendment and include two independent claims, i.e., claims 35 and 43. Claim 35, and claims 36-42 which depend therefrom, call for a tool for cutting monofilament line which includes a pair of opposing monofilament line contacting walls which are spaced apart from one another by a first distance and a pair of opposing monofilament line retaining walls which are spaced apart from one another by a second distance and sandwiching the contacting walls. A cutting blade is proximate the contacting and retaining walls and the first distance between the contacting walls is greater than the second

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distance between the retaining walls. Monofilament line is cut by bending it into a U-shape portion and placing each of the legs of the U-shape portion against the respective opposing monofilament line contacting walls, the retaining walls retain the U-shaped portion legs against the contacting wall, and the bottom of the U-shape portion is placed against the cutting blade causing the monofilament line to be cut. This structure, with its opposed monofilament line contacting walls being spaced apart a greater distance than the opposed retaining walls, is neither disclosed nor suggested by the cited reference.

Newly added claim 43, and claims 44-51 which depend therefrom, calls for a monofilament line cutting tool that includes a tool body, a cavity in the tool body and a cavity opening in the tool body leading to the cavity wherein the cavity opening is generally rectangular shaped. A pair of monofilament line contacting walls are in the cavity and a cutting blade is located in the cavity between the contacting walls. Monofilament line is cut by bending it into a U-shape and placing an exterior surface thereof in tension with legs on each side of the tensioned exterior surface. The U-shaped portion is inserted into the cavity through the rectangular opening placing each of the legs against the respective monofilament line contacting walls and the tensioned exterior surface against the cutting blade. This structure, with its rectangular cavity opening and monofilament line contacting walls, is neither disclosed nor suggested by the cited reference.

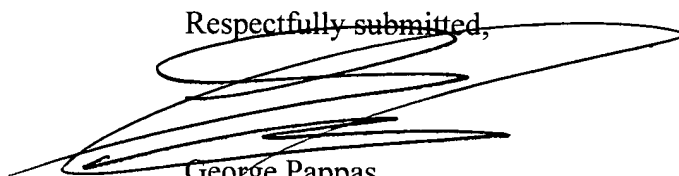
Consequently, newly added claims 35-51 are patentably distinct over the cited reference and the allowance of claims 35-51 is respectfully requested.

In the event Applicant has overlooked the need for any extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 16-0248, Pappas Law Offices. Should the Examiner have any further questions regarding any of the foregoing, the Examiner is respectfully invited to telephone the undersigned at (260) 426-2340.

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Applicant respectfully requests that a timely Notice of Allowance allowing claims 19-21 and 27-51 be issued in this application.

Respectfully submitted,



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Enclosures:

Postcard
Petition for Extension of Time
PTO/SB/30 Request for Continued
Examination (RCE) Transmittal
PTO/SB/30 Fee Transmittal

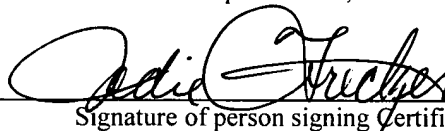
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